

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

EASTERN CONTRACTORS, INC.,

Defendant.

EASTERN CONTRACTORS, INC.,

Third Party Plaintiff,

v.

CITY OF LAWRENCE, CITY OF FALL
RIVER and FREETOWN/LAKEVILLE
REGIONAL SCHOOL DISTRICT,

Third Party Defendants.

ASSENTED TO MOTION TO CONTINUE SCHEDULING ORDER

The plaintiff, Hartford Fire Insurance Company (“Hartford”), hereby moves this Honorable Court to extend by sixty (60) days the deadlines and scheduling events as set forth in an order issued by the Court following a scheduling conference held in this matter on May 12, 2005. In support of this Motion, Hartford states as follows:

1. This matter involves a dispute between Eastern Contractors, Inc. (“Eastern”) and a surety company, Hartford, arising out of the default of Hartford’s principal, S&R Construction Co., Inc. (“S&R”), on a number of projects on which S&R served as Eastern’s site subcontractor and for which Hartford, as surety, issued payment and performance bonds.

2. On May 12, 2005, the Court held a scheduling conference and established certain deadlines for the filing and responding to Hartford's motion for summary judgment and the completion of discovery concerning certain issues therein.

3. On June 15, 2005, in accordance with the scheduled events in the scheduling order, Hartford filed its Motion for Partial Summary Judgment. From the filing of such motion, and prior to having to file its opposition thereto, Eastern is permitted a limited period to conduct certain discovery and prepare its opposition to the Motion.

4. On August 9, 2005, Eastern filed an assented-to motion to continue the scheduling deadlines for a period of approximately forty (40) days. On August 15, 2005, the Court allowed the motion to continue.

5. Hartford now seeks, with the assent of Eastern, to continue the scheduling order dates for a period of sixty (60) days to permit the parties to complete discovery relating to the Motion for Partial Summary Judgment and to allow Eastern sufficient time to file its response to the Motion.

6. Due to the complexity of the case, and because a number of the depositions noticed by Eastern are for out-of-state witnesses, the parties are unable to complete discovery prior to the expiration of the current deadline of October 15, 2005. Due to witnesses residing in Washington, Minnesota, Florida and Connecticut, the depositions will require that counsel travel to these locations to conduct the examinations.

7. Counsel for Hartford has conferred with counsel for all parties and counsel has assented to this motion to extend time to complete the discovery and response under the Scheduling Order from October 15, 2005 to December 23, 2005.

WHEREFORE, Hartford Fire Insurance Company prays that this Honorable Court amend and extend the time for completion of discovery and events outlined in the scheduling order of

May 12, 2005 for a period of sixty days, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Hartford Fire Insurance Company,

By its attorneys,

/s/ Bradford R. Carver

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ASSENTED TO:

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